

Practitioner's Docket No. 1436/159

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In application of: Askenas et al.

Application No.: 09/848,812

Group No.: 2617

Filed: 05/04/2001

Examiner: Laye, J.

For: Method and Apparatus for a Cable TV Server

RESPONSE UNDER
37 C.F.R. § 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP

2617

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT OR RESPONSE AFTER FINAL REJECTION--TRANSMITTAL

- Transmitted herewith is an amendment after final rejection (37 C.F.R. 1.116) for this application.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

(When using Express Mail, the Express Mail label number is **mandatory**;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

☒ with sufficient postage as first class mail.

37 C.F.R. § 1.10*

☐ as "Express Mail Post Office to Addressee"

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TRANSMISSION

☐ facsimile transmitted to the Patent and Trademark Office, (703) _____

Signature

Date: October 24, 2005

Robert M. Asher

(type or print name of person certifying)

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

STATUS

2. Applicant is a small entity A statement was already filed.

EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

	(Col.1)		(Col. 2)	(Col. 3)		SMALL ENTITY
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDIT. FEE
TOTAL	23	MINUS	23	= 0	x \$ 25.00	= \$ 0.00
INDEP	3	MINUS	3	= 0	x \$ 100.00	= \$ 0
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM					+ \$ 0.00	= \$ 0.00
TOTAL						\$ 0.00
ADDIT. FEE						

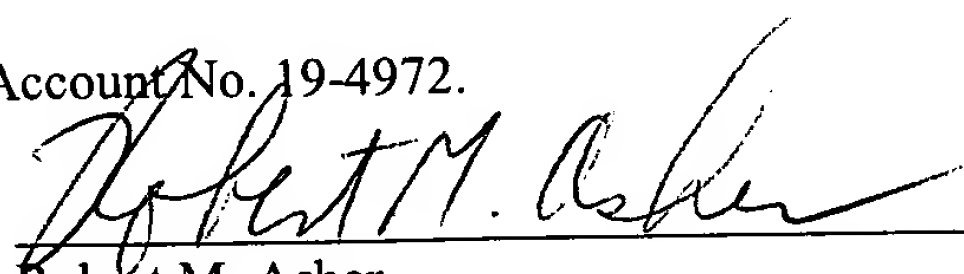
No additional fee for claims is required.

FEE DEFICIENCY

5. If any extension and/or fee is required, charge Account No. 19-4972.

If any fee for claims is required, charge Account No. 19-4972.

Date: October 24, 2005


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01436/00159 440073.1



Application Serial No.: 09/848,812
Amendment dated: October 24, 2005
Reply under 37 CFR 1.116 - Expedited Procedure - Technology Center 2617

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Askenas et al.

Atty Dkt: 1436/159

Serial No: 09/848,812

Art Unit: 2617

Date Filed: May 4, 2001

Examiner: Laye, J.

Invention: Method and Apparatus for A Cable TV Server Date: October 24, 2005

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on **October 24, 2005**.


Robert M. Asher

MAIL STOP AF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE UNDER RULE 116

(Expedited Procedure - - Technology Center 2617)

Dear Sir:

In response to the final rejected dated August 11, 2005, Applicants respectfully submit that the finality is premature and that the newly cited references are inapplicable to Applicants' invention.

A **Listing of Claims** begins on page 2 of this paper.

Remarks/Arguments begin on page 12.